

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON APPROPRIATIONS

Call to Order: By **CHAIRMAN STEVE VICK**, on February 14, 2001 at 3:00 P.M., in Room 102 Capitol.

ROLL CALL

Members Present:

Rep. Steve Vick, Chairman (R)
Rep. Dave Lewis, Vice Chairman (R)
Rep. Matt McCann, Vice Chairman (D)
Rep. John Brueggeman (R)
Rep. Rosalie (Rosie) Buzzas (D)
Rep. Tim Callahan (D)
Rep. Edith Clark (R)
Rep. Bob Davies (R)
Rep. Stanley Fisher (R)
Rep. Dick Haines (R)
Rep. Joey Jayne (D)
Rep. Dave Kasten (R)
Rep. Christine Kaufmann (D)
Rep. Monica Lindeen (D)
Rep. Jeff Pattison (R)
Rep. Art Peterson (R)
Rep. Joe Tropila (D)
Rep. John Witt (R)

Members Excused: None.

Members Absent: None.

Staff Present: Paula Broadhurst, Committee Secretary
Taryn Purdy, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 516 HB 533, 2/13/2001
Executive Action:

HEARING ON HB 516

SPONSOR: Rep. Larry Jent, HD 29, Bozeman

PROPONENTS: Dustin Stewart, Associated Students at Montana State University; Toby Dade, Montana Wildlife Federation; Sarah Cobler, Associated Students at the University of Montana; Tricia Patten, Student Intern, University of Montana

OPPONENTS: None.

OPENING STATEMENT BY SPONSOR:

Rep. Larry Jent, HD 29, Bozeman, introduced HB 516 that would appropriate funds to the Department of Fish, Wildlife, and Parks to hire two half-time employees; one student from the University of Montana and one student from Montana State University to participate in the Game Warden Trainee Program.

PROPONENTS TESTIMONY:

Toby Dade, Montana Wildlife Federation, stood in support of HB 516, commenting that they feel it is important that Montana students become Montana Game Wardens because they know the issues.

Sarah Cobler, Associated Students at the University of Montana, commented that they believe this program offers experience for students in their field and they support HB 516.

Tricia Patten, Student Intern, University of Montana, commented that they are in support of HB 516.

OPPONENTS: None.

INFORMATIONAL WITNESS:

Rich Clough, Montana, Fish and Wildlife Parks, gave testimony on HB 516. **EXHIBIT**(aph37a01)

{Tape : 1; Side : A; Approx. Time Counter : 7.3}

Jim Kropp, Warden Captain, Montana Fish, Wildlife and Parks, explained the duties of the students who will go through this particular program.

QUESTIONS FROM THE COMMITTEE MEMBERS AND RESPONSES:

Rep. Peterson asked if they have internships that could possibly supplement this program.

Jim Kropp answered, no, they do not, but that they do have work-study type positions.

Rep. Kasten asked if this program had been in place and if it had just recently stopped in the last four years.

Rich Clough answered, that is correct, and explained how it came to be.

Rep. Kasten commented that he thinks it is unreasonable for the Department to go to the taxpayers for this money and the Department of Fish, Wildlife and Parks should be able to continue with this program.

Rich Clough answered that the Department has attempted to save its fund balance, and funding for Wardens comes out of Fish and Angling Licenses and that is the fund they try to manage.

Rep. Witt asked why can't a student from any college other than Montana State or U of M be in this program.

Jim Kropp answered that they have discussed expansion to other colleges but they simply can't because those are the only two colleges that offer the fields which the Game Wardens must come from.

Rep. Witt commented that if state funds did go into this program, then every student around the state should be eligible.

{Tape : 1; Side : A; Approx. Time Counter : 19.1}

Rep. McCann asked if they are trying to build up their funds in the general licensing account.

Rich Clough answered that is correct.

Rep. McCann asked if, in the next session, they will address resident fees.

Rich Clough answered that is correct.

Rep. McCann asked if the current balance in the general licensing account is around \$26 million dollars.

Rich Clough stated he was not sure about the current balance, but that it fluctuates and it is at a low point right now.

Rep. McCann noted that they want to extend the current balance in the general licensing account and asked, if the non-resident bill passed, when it would go into effect.

Rich Clough answered that it wouldn't be collected until a year from this March.

Rep. McCann asked if there would then be a positive impact on the account and if they passed the resident licensure, when would the impact of that be.

Rich Clough answered that was correct and the impact would be at least a year following the Legislature and 2004 would be the soonest the impact of the resident licensure would go into effect.

Rep. McCann asked where the comfort zone on the general licensing account would be.

Rich Clough answered by saying they are trying to be fiscally conservative and trying to extend it out so there doesn't have to be fee increases any larger than necessary.

Rep. Vick asked if Rich Clough knew what the balance is currently.

Rich Clough stated he is not sure but there are a lot of earmarked funds within the Department, such as their land acquisitions, which cannot be spent on any operational things.

Rep. Vick and Rich Clough agreed the amount currently is right around \$26 million in the general licensing account.

Rep. Fisher asked about the new licensing procedure they put in with new computers.

Rich Clough answered, their hopes were to have this new licensing implemented in March but they have run into difficulty with the contract they have with the software provider. The earliest they will be able to implement this new system will be September, and for the system to be fully operational, will be March of next year.

{Tape : 1; Side : A; Approx. Time Counter : 26.1}

Rep. Fisher asked how much the system cost the Department.

Rich Clough answered around \$6 million.

Rep. Fisher commented that his impression that the positions for Game Warden are for Montana people only.

Rich Clough answered no, they are competitive positions.

Rep. Buzzas asked if they recruit out of state for these positions.

Rich Clough answered, no, they do not.

Rep. Vick asked what the requirements are for training to be hired as a Game Warden.

Rich Clough answered they do it nationally for people who are trained in law enforcement and who have fish and wildlife backgrounds, recreational backgrounds and in addition to that, communication skills. This is a broad description and a test is involved as well.

Rep. Vick then asked, if someone graduated from the university, could they be hired as a Game Warden without additional training.

Rich Clough answered they are subjected to a lot of training when brought into the Department.

Rep. Vick asked if the Montana Law Enforcement Academy plays any role in Game Warden training and if the students go through the Academy after they are hired or before.

Rich Clough answered yes it does and some people go through the Academy on their own and then apply, but normally the Department sends them.

Rep. Vick asked how they determine what the general fund balance should be and asked for an explanation as to why they need as much money as they do.

{Tape : 1; Side : A; Approx. Time Counter : 27.7}

Rich Clough answered the fund balance they have has no increasing revenues but has increasing expenditures.

Rep. Witt asked what is happening with the cost to the computer system being set up for the new licensing, since it was supposed to be up this March and now they are looking at having it put off until next March.

Rich Clough answered, the Department is currently in a legal battle with the contractor and there is a default clause in the

contract. The Department will seek damages because they have not performed to the contractor specifications.

Rep. Witt asked what has happened in sub-committee discussions this year concerning this issue.

Rep. Haines answered that the contractor has not performed in terms with the contract and that the Department will seek damages.

Rep. Witt asked if there were other contractors that bid.

Rep. Haines answered he was not sure and Rich Clough was not sure either.

Rep. Haines asked if they have some kind of projection to replace the Game Wardens who retire and stated that more money for this program will not solve this problem.

Rich Clough answered that they anticipate they will have to advertise nation-wide to fill the positions and they anticipate turning over one-third of their Department in the next 10 years.

Rep. Haines asked what kind of authority is given to the trainees.

{Tape : 2; Side : A; Approx. Time Counter : 5}

Rich Clough answered they are not full peace officers and are limited in their scope, which the Warden Captains decide, but they are allowed to write citations.

Rep. Fisher asked what the qualifications for the position of Game Warden are and do they have an in-house training program so they can use some of the people they have hired such as clerks, and develop them into being Game Wardens.

Rich Clough stated, yes, they have brought some people up through the ranks but that they do require the degree to narrow the field of people applying for the position.

Rep. Tropila asked if they have any room to put this program into their budget instead of getting money from the general fund this year.

Rich Clough answered no.

Rep. McCann asked how long the program takes, assuming the person already has a degree, to become a full fledged Game Warden.

Rich Clough answered, one year of probation in which they go through the Law Enforcement Academy and then are considered a full-fledged Game Warden.

CLOSING BY SPONSOR:

Rep. Jent closed on HB 516.

HEARING ON HB 533

SPONSOR: Rep. Steve Vick, HD 31, Belgrade

PROPONENTS: None.

OPPONENTS: None.

INFORMATIONAL WITNESS: None.

OPENING STATEMENT BY SPONSOR:

Rep. Steve Vick, HD 31, Belgrade, introduced HB 533 which is a bill clarifying that operating budgets and fund transfers must conform to conditions contained in the General Appropriations Act, clarifying that the Legislature may restrict the use of funds appropriated for personal services to allow use only for the purpose of the appropriation.

{Tape : 2; Side : A; Approx. Time Counter : 16}

PROPONENTS TESTIMONY: None.

OPPONENTS: None.

INFORMATIONAL WITNESS: None.

QUESTIONS FROM THE COMMITTEE MEMBERS AND RESPONSES:

Rep. Buzzas asked if the bill is legal.

Rep. Vick referred the question to **Taryn Purdy**, who answered yes it is.

Rep. Lewis commented that he doesn't see that this bill changes anything because they have operated under the assumption for years that the Legislature could operate with this and have done so. He also stated that it has always been assumed the Legislature had that discretionary authority and sometimes they have restricted personnel services and sometimes they have not.

Rep. Peterson commented on his personal experience that not only is it legal, it is customary practice.

CLOSING BY SPONSOR:

Rep. Steve Vick closed on HB 533.

ADJOURNMENT

Adjournment: 3:55 P.M.

REP. STEVE VICK, Chairman

PAULA BROADHURST, Secretary

SV/PB

EXHIBIT (aph37aad)